IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

SECOND APPEAL NO. 915 OF 2001

Venkatesh Sayanna Kairamkonda & ors. ... Appellants.
Versus.
Shrihari Narsayya Konda & ors. ... Respondents.

Shri G.S.Godbole for the Appellants.

Shri I.M.Khairdi for the Respondent No.1 to 4.

CORAM : ABHAY S. OKA, J.

DATED : 26th April, 2005.

P.C.:

1. Not on board. Mentioned by the learned Counsel appearing for the Appellants.

2. There is no dispute between the learned Counsel appearing for the parties that on 24th August 2004 this Court intended to grant time to vacate till 31st May 2005. However, in the order passed on that day it is stated that time is granted till 31st March 2005. In view of this submission, clause Nos.5 and 6 of the order needs modification.

3. It is brought to my notice that the Respondent No.5 has not filed the undertaking as directed by this Court. Time for filing the undertaking by the Respondent No.5 is extended by a period of one week from today.

4. Hence I direct that the date 31st March 2005

mentioned in clauses 5 and 6 of the order dated 24th August 2004 be read as 31st May 2005. Time for filing undertaking of the Respondent No.5 is extended by a period of one week from today. If the undertaking of the Respondent No.5 is not filed within one week from today, the decree will become executable forthwith.

5. There is some delay in filing the Undertaking by the Appellants. Delay is condoned.

Judge.